

United States District Court

FILED

NORTHERN

DISTRICT OF

2008 APR 30 AM 10:21  
CALIFORNIA

UNITED STATES OF AMERICA

V.

E-FILING

CRIMINAL COMPLAINT

RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA. S.J.

Juvenal LOPEZ-Castro  
(Aka: Juvenal LOPEZ)

08-70258

HRL

CASE NUMBER:

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, 3/31/2008, in Monterey County in the Northern District of California defendant(s)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326  
I further state that I am a(n) Deportation Officer and that this complaint is based on the following  
Official Title

facts:

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, ten (10) years imprisonment and \$100.00 special assessment fee and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:

ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me and subscribed in my presence,

4/30/08  
Date

at

San Jose, California  
City and State

Howard R. Lloyd  
UNITED STATES MAGISTRATE JUDGE  
Name & Title of Judicial Officer

Signature of Judicial Officer

RE: Juvenal LOPEZ-Castro

A44 098 780

I, Timothy F. Purdy, am a Deportation Officer of the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE). I have been employed by this agency, U.S. Customs & Border Protection and the former Immigration and Naturalization Service (INS), since October 1, 2002. I am currently assigned to the Criminal Alien Program at the San Jose, California Sub-Office. In such capacity, I have reviewed the official immigration "A-File" relating to the above named defendant, which attests to the following:

- (1) The DEFENDANT Juvenal LOPEZ-Castro, also known as Juvenal CATRO and Juvenal LOPEZ, is a 32 year-old single male, citizen and native of Guanajuato, Mexico, born on September 20, 1976, as substantiated by multiple sworn statements made to that effect by the DEFENDANT during an interviews conducted on both: March 23, 2000 by Immigration Agent Robinson at CDC San Quentin and again on April 24, 2008 at the DRO/ICE San Jose, CA Sub-Office to Immigration Enforcement Agent (IEA) Joshua Arumbulo;
- (2) The DEFENDANT has been assigned Alien Registration number of A44 098 780, FBI number of 476013AB2, and California Criminal State ID Number of A11161708;
- (3) On August 22, 1995, the DEFENDANT was convicted in the Municipal Court of California/County of Monterey for the offense of: BURGLARY OF A VEHICLE, a misdemeanor, in violation of California Penal Code Section 459 and sentenced to thirty days in jail;
- (4) On August 2, 1996, the DEFENDANT was convicted in the Superior Court of California/County of Santa Clara, for the offense of: ROBBERY: 2<sup>ND</sup> DEGREE, a felony, in violation of California Penal Code Section 212.5(C) and sentenced to twelve months in jail. A subsequent conviction/violation of parole on November 3, 1997, retroactively reinstated a two year sentence concurrently for the DEFENDANT on/around August 26, 1998;
- (5) On February 20, 1997, the DEFENDANT was convicted in the Municipal Court of California/County of Monterey, for the offense of: POSSESSION OF MARIJUANA, a misdemeanor, in violation of California Health & Safety Code Section 11377(B) for which the DEFENDANT was received a suspended sentence;
- (6) On October 3, 1997, the DEFENDANT was convicted in the Superior Court of California/County of Monterey, for the offense of: FELON/ETC IN POSSESSION OF A FIREARM, a felony, in violation of California Penal Code Section 12021(A)(1) and sentenced to sixteen months in prison. This offense is defined as an aggravated felony under Title 8, United States Code, Section 1101(a)(43)(E)(ii);

RE: Juvenal LOPEZ-Castro

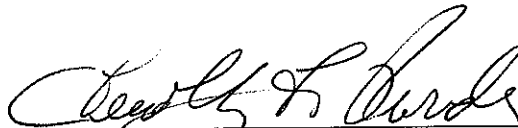
A44 098 780

- (7) On April 23, 1999, the DEFENDANT was determined to be unlawfully present in the United States by the INS District Director Eloy, Arizona and ordered deported from the United States to Mexico;
- (8) On September 29, 2000, the DEFENDANT was convicted in the U.S. District Court in the Northern District of California, for the offense of: ILLEGAL REENTRY INTO THE UNITED STATES, a felony, in violation of Title 8 United States Code (USC) Section 1326, and sentenced to thirty months in prison.
- (9) On June 19, 2002, the DEFENDANT was determined to be unlawfully present in the United States by the INS District Director San Francisco, California and ordered deported from the United States to Mexico;
- (10) On April 22, 2008, 2008, the DEFENDANT was convicted in the Municipal Court of California/County of Monterey, for the offense of: BATTERY OF A SPOUSE, a misdemeanor, in violation of California Penal Code Section 243(E) and sentenced to thirty days in jail (Time Served);
- (11) On, April 24, 2008, the DEFENDANT was encountered by IEA Arumbulo, at the DRO/ICE San Jose, CA Sub-Office, and determined to be unlawfully present in the United States after a prior deportation. IEA Arumbulo then advised the DEFENDANT his **Miranda** rights in the English language. After the reading of his **Miranda** rights, the DEFENDANT provided a written statement admitting alienage;
- (12) On April 24, 2008, the DEFENDANT provided his right thumb and right index fingers with his sworn statement. A latent print examiner with the Santa Clara County Sheriff's Department conducted a comparison of those same fingerprints on the copies of the executed Warrants of Deportation and his existing fingerprints on file. The latent print examiner determined that the fingerprints were identical and were those of DEFENDANT Juvenal LOPEZ-Castro;
- (13) The DEFENDANTS official A-File does not contain any record or indication that he either requested or received permission from the Secretary of the Department of Homeland Security or the Attorney General of the United States to reenter the United States;

RE: Juvenal LOPEZ-Castro

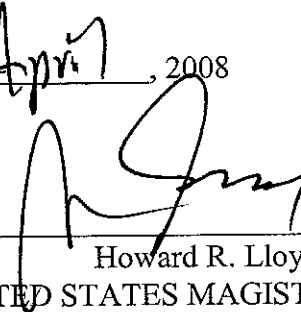
A44 098 780

- (14) Based on the above stated information, this Officer believes there is sufficient probable cause that the DEFENDANT is present within the United States in violation of Title 8, United States Code, Section 1326.



Timothy F. Purdy  
Deportation Officer  
Immigration and Customs Enforcement

Subscribed and sworn to before me this 30 day of April, 2008



Howard R. Lloyd  
UNITED STATES MAGISTRATE JUDGE